

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Blue 2009 Audi Q7, VIN# WA1EY74L99D003636,
bearing Ohio registration HVK6485, currently stored at
2700 Impound Lot Road, Columbus, Ohio

Case No.

2:21-mj-766

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under
penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the
property to be searched and give its location):Blue 2009 Audi Q7, VIN# WA1EY74L99D003636, bearing Ohio registration HVK6485, currently stored at 2700
Impound Lot Road, Columbus, Ohiolocated in the Southern District of Ohio, there is now concealed (identify the
person or describe the property to be seized):

See Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC 1951	Interference with Interstate Commerce by Robbery
18 USC 924(c)(1)(A)(ii)	Brandishing a Firearm during the Commission of a Crime of Violence

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Brian V. Boesch TFO 6551
Applicant's signature

ATF TFO Brian V. Boesch
Printed name and title

Sworn to before me and signed in my presence. *VIA FACE TIME*Date: *Nov. 29, 2021*City and state: Columbus, Ohio

Magistrate Judge Elizabeth Preston Deavers

Printed name and title



AFFIDAVIT

I, Brian V. Boesch, being duly sworn, depose and state that:

I have been a police officer with the Columbus Division of Police since November of 1994. I am currently assigned as a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so assigned since July of 2014. I was previously assigned as a robbery detective for eight and a half years and successfully investigated robberies and extortions. As a Task Force Officer, I am also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.

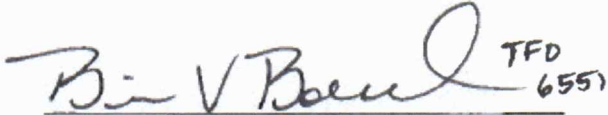
1. This Affidavit is made in support of an application for a warrant to search and seize evidence from a blue 2009 Audi Q7, bearing Ohio registration HVK-6485, VIN# WA1EY74L99D003636, currently stored at 2700 Impound Lot Road, Columbus, Ohio (hereinafter referred to as TARGET VEHICLE). Based upon the information contained in this affidavit, I have probable cause to believe that inside the TARGET VEHICLE there is property that constitutes evidence of the commission of a criminal offense; contraband, the fruits of crime, and things otherwise criminally possessed; and property designed or intended for use or which is or has been used as a means of committing a criminal offense. Specifically, I have probable cause to believe that within the TARGET VEHICLE there is evidence of violations of Title 18, U.S.C. 1951 (Interference with Interstate Commerce through Robbery) and 924(c)(1)(A)(ii) (Brandishing a Firearm during the commission of a Crime of Violence). A list of the specific items to be seized from the TARGET VEHICLE is attached hereto as Attachment A, and Attachment A is incorporated herein by reference.
2. The information contained in this Affidavit is largely based upon investigations conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, only information necessary to establish probable cause that evidence associated with the above offenses is located in the TARGET VEHICLE. Unless specifically quoted, the conversations described below are set forth in substance.
3. On or about Friday, November 26, 2021, a male black suspect wearing all black clothing and a blue gaiter type mask entered the T-Mobile store located at 5064 N. High St. The suspect approached Clerk #1 (C1) at the front counter and asked to see the manager. Clerk #2 (C2) was exiting the back room and approached the suspect to assist him.
4. The suspect told C2 to take him to the safe and give him all the phones. C2 hesitated, thinking it was a joke until the suspect brandished a black semi-automatic handgun and repeated his demand to be taken to the safe and given all the phones. The suspect led C1 and C2 to the back room at gunpoint. Once inside the back room, the suspect pulled out two plastic bags and told the victim clerks to fill them with the phones.
5. As C1 was filling one bag with the phones, the suspect demanded C2 fill the second bag with cash from the safe. Both victim clerks complied and handed the suspect approximately \$650 in cash and an undetermined amount of cell phones. The suspect then demanded access to a larger safe that contained more phones. C2 informed him that the safe was on a time delay and he would have to

wait. The suspect then demanded access to a safe that contained more cash. C2 found a couple of other phones and handed them to the suspect. C2 explained that they did not have a key for that safe, only the armored car company can access the safe.

6. The suspect then picked up both bags and proceeded to spray chemical mace in the faces of both victim clerks. The mace temporarily blinded both victim clerks, but they heard the suspect run out the back door. Both clerks attempted to clear their vision and were able to call 911 to report the robbery.
7. Unbeknownst to the suspect, C2 placed a bait cell phone box into the bag the suspect took with him. The bait cell phone box contained a GPS tracker that was activated the moment it was removed from the safe. The tracking company contacted the Columbus Division of Police (CPD) and provided updated location information of the bait cell phone box.
8. CPD officers were able to identify the suspect vehicle as a dark blue Audi Q7, bearing Ohio registration HVK-6485 (TARGET VEHICLE). Officers initiated a pursuit and activated their cruiser's lights and sirens. The suspect did not comply and pull over, but rather fled from the officers through neighborhoods and on main streets at speeds in excess of ninety miles per hour (90mph).
9. The suspect finally stopped the vehicle and fled on foot. He was apprehended a short time later at Atcheson St. and Trevitt St. The suspect was identified as Kevin Loren DANIELS after he was placed in the rear of a CPD cruiser. DANIELS asked the officers how they got him so quick and asked if there was a tracker in the cell phones. The arresting officers observed the bag of cell phones in the back seat of the Audi but did not recover a firearm. They stated DANIELS told them he threw a bag out of the window but would not say if the handgun used in the robbery was in that bag.
10. DANIELS was transported to CPD Headquarters to be interviewed by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Task Force Officer (TFO) Brian V. Boesch and CPD Robbery Detective Todd Agee. Detective Agee advised DANIELS of his constitutional rights by reading them to him as DANIELS read along with his copy.
11. DANIELS confessed to committing the robbery of the T-Mobile store. He stated he needed money because he was unemployed. DANIELS further stated that he maced the victims so they would not be able to see the direction that he was fleeing. DANIELS would not say if he discarded the handgun he used in the robbery.
12. The Audi was secured by officers at the scene of DANIELS' apprehension and towed to a secured portion of the CPD impound lot at 2700 Impound Lot Road, Columbus, Ohio. The TARGET VEHICLE is further described as a dark blue Audi Q7 bearing Ohio registration HVK-6485, and VIN# WA1EY74L99D003636.

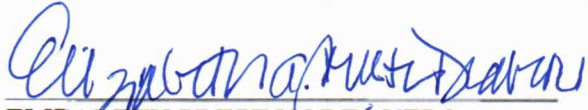
AO 106 (Rev. 11/11) Search Warrant

13. Based on the facts set forth in the Affidavit, your Affiant believes there is probable cause to believe that evidence of a crime; contraband, fruits of crime, or other items illegally possessed; and property designed for use, intended for use, or used in committing a crime and associated with the above listed offenses is located inside the TARGET VEHICLE. I respectfully request that the court issue a search warrant for the TARGET VEHICLE, and the property more fully described in Attachment A.

 TFD
6551

Brian V. Boesch, ATF Task Force Officer

Sworn to before me and signed in my presence. *VIA FACETIME*



ELIZABETH PRESTON DEAVERS

U.S. MAGISTRATE JUDGE

November 29, 2021

DATE

ATTACHMENT A

The evidence to be searched for and seized from the TARGET VEHICLE is:

- a. Firearm and/or ammunition;**
- b. United States currency;**
- c. Merchandise stolen from T-Mobile, including cellular telephones;**
- d. Clothing worn during the robbery, including but not limited to black or dark clothing and a blue gaiter mask;**
- e. Chemical mace or similar object;**
- e. Items indicating ownership and association of DANIELS to TARGET VEHICLE.**